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## **REMARKS**

### **I. Status**

In the Office Action mailed December 18, 2003, claims 1-11 and 13-24 were pending and claims 1-11 and 13-24 were rejected. Claims 6 and 13 have been amended. Thus, in view of the foregoing, claims 1-11, and claims 13-24 remain pending for reconsideration, which is requested. No new matter has been added. The applicant respectfully traverses the rejection.

### **II. Rejection of claims under 35 U.S.C. § 102(b)**

Claims 1-11 and 13-18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kasahara et al. (U.S. Patent 5,206,762). The applicant respectfully traverses this rejection.

Referring to FIG. 1, Kasahara teaches a movable element 2 having attached thereto focusing coils 9a and 9b (column 3, lines 40-41) and tracking coils 10a and 10b (column 3, lines 40-50). Furthermore, the base (or fixed element) has attached inner yokes 11a and 11b (column 3, line 50). The U shaped assembly which houses the coil 9a is the base and is not defined as a yoke in the specification. The yokes are the outer yokes 12a, 12b and the inner yokes 11a and 11b. The specification of Kasahara further describes "Permanent magnets 13a and 13b are fixed to those surfaces of outer yokes 12a and 12b which face inner yokes 11a and 11b, respectively" (column 3, lines 60-63).

In contrast to Kasahara described above, the present invention has a "movable element having a yoke assembly" and a fixed assembly "having a magnetic assembly which comprises one or more permanent magnets connected to a second yoke assembly configured to generate a magnetic field" (claim 1). However, as clearly described in the sections of Kasahara cited above, the movable element has focusing coils and tracking coils attached thereto.

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Therefore, the present invention has the advantage of not having the heavy weight of the tracking and focusing coils and the permanent magnets attached to the movable element. The prior art has either the permanent magnets or the coils attached to the movable element which increases inertia and reduces accuracy.

Therefore, the present invention recited in claims 1-11 and 13-18 are not suggested by the cited prior art.

### **III. Rejection of claims under 35 U.S.C. § 102(b)**

Claims 19 and 20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kasahara et al. (U.S. Patent 5,206,762). The applicant respectfully traverses this rejection.

Referring to FIG. 1, Kasahara teaches a movable element 2 having attached thereto focusing coils 9a and 9b (column 3, lines 40-41) and tracking coils 10a and 10b (column 3, lines 40-50). Furthermore, the base (or fixed element) has attached inner yokes 11a and 11b (column 3, line 50). The U shaped assembly which houses the coil 9a and is not defined as such in the specification. The specification of Kasahara further describes "Permanent magnets 13a and 13b are fixed to those surfaces of outer yokes 12a and 12b which face inner yokes 11a and 11b, respectively" (column 3, lines 60-63).

In contrast to Kasahara described above, the present invention has a "movable element" having "an objective lens" and one or more yokes attached (claims 19 and 20). However, as clearly described in the sections of Kasahara cited above, the movable element has focusing coils and tracking coils attached thereto.

Therefore, the present invention has the advantage of not having the heavy weight of the tracking and focusing coils and the permanent magnets attached to the movable element. The prior art has either the permanent

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magnets or the coils attached to the movable element which increases inertia and reduces accuracy.

Therefore, the present invention recited in claims 19 and 20 are not suggested by the cited prior art.

#### **IV. Rejection of claims under 35 U.S.C. § 102(b)**

Claims 21, 22, and 24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Mitsumori et al. (U.S. Patent 5,535,059). The applicant respectfully traverses this rejection.

Claim 21 recites "a movable element having attached thereto an objective lens but not having attached thereto a permanent magnet, a tracking coil, and a focusing coil". To support the allegation that Mitsumori et al. discloses the aforementioned elements of claim 21, the Examiner alleges that FIG. 3 of Mitsumori et al. discloses a movable element 12 having an objective lens and the movable element does not attach to a permanent magnet, a tracking coil and a focusing coil (FIG. 3 coil bobbin 12 is not attached to the lens holder 12).

The Applicant respectfully disagrees.

As shown in FIG. 3 and described in the specification of Mitsumori et al. the coil bobbin 13 is attached to the lens holder 12. For example, column 3, lines 48-52 state "An objective lens 11 is arranged in a opening portion 12e formed in one end, which is a free end, of the lens holder 12, and an opening portion 12c in which the coil bobbin 13 is fixed is formed in the other end". Furthermore the coil bobbin 13 has wound around it the focus and tracking coils (column 4, lines 8-27). Thus, the optical actuator of Mitsumori et al. has the focusing and tracking coils (the coils attached to a coil bobbin) attached to the "movable element". The movable element includes the lens holder 12 and coil bobbin 13. This is in contrast to the present invention recited in claim 21 which does not have the tracking coil and focusing coil attached to the movable element. Similarly, claim 24 of the present invention recites that the coils and permanent magnet are attached to the fixed element, in contrast to Mitsumori

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et al. where the coils are attached to the movable element.

Therefore, the present invention has the advantage of not having the heavy weight of the tracking and focusing coils and the permanent magnets attached to the movable element. The prior art has either the permanent magnets or the coils attached to the movable element which increases inertia and reduces accuracy.

Therefore, the present invention recited in claims 21, 22, and 24 and depending claims therefrom is not suggested by the cited prior art.

**V. Rejection of claims under 35 U.S.C. § 102(b)**

Claims 23 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Mitsumori et al. (U.S. Patent 5,535,059). The applicant respectfully traverses this rejection.

Claim 23 recites "a movable element having attached thereto an objective lens and a yoke". To support the allegation that Mitsumori et al. discloses the aforementioned elements of claim 21, the Examiner alleges that FIG. 3 of Mitsumori et al. discloses a movable element 12 having an objective lens and the movable element does not attach to a permanent magnet, a tracking coil and a focusing coil (FIG. 3 coil bobbin 12 is not attached to the lens holder 12).

The Applicant respectfully disagrees.

As shown in FIG. 3 and described in the specification of Mitsumori et al. the coil bobbin 13 is attached to the lens holder 12. For example, column 3, lines 48-52 state "An objective lens 11 is arranged in a opening portion 12a formed in one end, which is a free end, of the lens holder 12, and an opening portion 12c in which the coil bobbin 13 is fixed is formed in the other end". Furthermore the coil bobbin 13 has wound around it the focus and tracking coils (column 4, lines 8-27). Thus, the optical actuator of Mitsumori et al. has the focusing and tracking coils (the coils attached to a coil bobbin) attached to the "movable element". The movable element includes the lens holder 12 and coil bobbin 13. This is in contrast to the present invention recited in claim 21 which

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does not have the tracking coil and focusing coil attached to the movable element.

Therefore, the present invention has the advantage of not having the heavy weight of the tracking and focusing coils and the permanent magnets attached to the movable element. The prior art has either the permanent magnets or the coils attached to the movable element which increases inertia and reduces accuracy.

Therefore, the present invention recited in claims 23 and depending claims therefrom is not suggested by the cited prior art.

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**VI. Concluding Matters**


In view of the foregoing amendments and remarks, it is respectfully submitted that each of the claims distinguishes over the prior art, and therefore, defines allowable subject matter. A prompt and favorable reconsideration of the rejection along with an indication of allowance of all the pending claims is respectfully requested.

Should there be any remaining questions to correct format matters, it is urged that the Examiner contact the undersigned attorney with a telephone interview to expedite and complete prosecution.

If any further fees are required in connection with the filing of this response, please change same to our Deposit Account No. 04-1175.

Respectfully submitted,

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